



Transportation
Security
Administration

August 4, 2005

Mr. Lester A. Heltzer
Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570-0001

Re: Firstline Transportation Security, Inc. and
International Union, Security, Police and Fire
Professionals of America (SPFPA), Case 17-RC-12354

Dear Mr. Heltzer:

Enclosed please find the original and eight copies of Statement of the Transportation Security Administration and certificate of service in connection with the above-captioned matter.

Kindly time-stamp the extra copy of the filing provided and return it to the messenger.

I have contacted counsel of record to inform them that service copies of this filing have been placed in the United States mail, and to offer to provide expedited service.

Please contact me if you have any comments or questions at (571) 227 2712.

Regards,

A handwritten signature in black ink, appearing to read "Lois B. Osler".

Lois B. Osler
Deputy Chief Counsel (Litigation)
Office of Chief Counsel
Transportation Security Administration
U.S. Department of Homeland Security

Enclosures

UNITES STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

FIRSTLINE TRANSPORTATION
SECURITY, INC.

Employer

and

Case 17-RC-12354

INTERNATIONAL UNION, SECURITY
POLICE and FIRE PROFESSIONAL
OF AMERICA (SPFPA)

Petitioner.

STATEMENT OF THE TRANSPORTATION SECURITY ADMINISTRATION

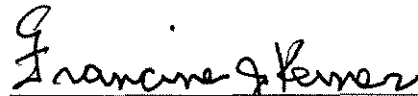
The National Labor Relations Board (NLRB) has invited the Transportation Security Administration (TSA) of the U.S. Department of Homeland Security to submit views regarding “whether the [NLRB] has jurisdiction over privately employed airport security screeners and, if so, whether the [NLRB] should exercise that jurisdiction.” July 8, 2005 letter from Henry S. Breiteneicher, Acting Solicitor, NLRB, to Francine J. Kerner, Chief Counsel, TSA.

Although aviation security screeners employed by TSA are statutorily barred from engaging in mandatory collective bargaining, see § 111(d) of the Aviation Transportation and Security Act of 2001, P.L. 107-71, 115 Stat. 597, codified at 49 U.S.C. § 44935 Note, it is TSA’s position that this provision does not extend to aviation security screeners employed by qualified screening companies. Therefore, § 111(d) does not prohibit privately-employed screeners from engaging in collective bargaining.

TSA does not take any position regarding any other legal or factual issue in this proceeding, including whether the NLRB has jurisdiction and, if so, whether the NLRB should exercise that jurisdiction.

Dated: August 4, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francine J. Kerner", written over a horizontal line.

Francine J. Kerner
Chief Counsel
Transportation Security Administration
U.S. Department
of Homeland Security
601 12th Street, South
TSA-2
Arlington, VA 22204

CERTIFICATE OF SERVICE

I certify that true and correct copies of Statement of the Transportation Security Administration were placed in the United States mail, first class postage prepaid, addressed to:

D. Michael McConnell
Regional Director, Region 17
National Labor Relations Board
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Chattanooga, TN 37402-2289

Dated: August 4, 2005



Lois B. Osler